

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

IN RE:

JOHN ALAN ROSS,

Debtor(s).

Chapter 11
Case No. 20-50129

**SECOND INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES BY MAGEE GOLDSTEIN LASKY & SAYERS, P.C.,
COUNSEL FOR THE DEBTOR
(June 23, 2020 – January 31, 2021)**

Magee Goldstein Lasky & Sayers, P.C. (the “Applicant”), counsel for John Alan Ross (the “Debtor”), moves the Court pursuant to 11 U.S.C. §§ 330, 331, Bankruptcy Rule 2016, and the United States Trustee Guidelines for allowance of compensation for legal services and reimbursement of expenses. In support of this Application, the Applicant respectfully represents:

1. Information About the Applicant and Application:

A. Date the Bankruptcy Petition was filed: **February 19, 2020.**

C. Date of Order Approving Employment: **April 9, 2020.**

D. Identity of Party Represented: **The Debtor.**

E. Date Services Commenced: **February 19, 2020.**

F. Provisions of Bankruptcy Code Under Which Compensation is Sought: **11 U.S.C. §§ 327, 330 and 331.**

G. Terms and Conditions of Employment and Compensation, Source of Compensation, Existence and Terms Controlling Use of a Retainer, and any Budgetary or Other Limitations on Fees: **Applicant is authorized to charge for its legal services on an hourly basis in accordance with the terms and conditions set forth in its engagement agreement with the Debtor. Applicant may apply to the Court for compensation and reimbursement of expenses in accordance with the applicable provisions of the employment order, order establishing procedures related to interim compensation, the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules of this Court. The source of compensation and reimbursement of expenses is the Debtor or the Debtor’s estate. There are no budgetary or other limitations on fees or expenses, except as set forth in the Applicant’s employment order.**

H. Names and Hourly Rates of All Applicants, Professionals and Paraprofessionals Who Bill Time, Explanation of Any Changes in Hourly Rates from those

MAGEE GOLDSTEIN
LASKY & SAYERS, P.C.
ATTORNEYS

P.O. Box 404
Roanoke, Virginia 24003-0404
540.343.9800

ATTORNEYS AND COUNSELORS AT LAW

Previously Charged, and Statement of Whether the Compensation is Based on the Customary Compensation Charged by Comparably Skilled Practitioners in Cases Other Than Cases Under Title 11:

<u>Attorney/ Paraprofessional</u>	<u>Hourly Rate</u>	<u>Date Admitted to Bar</u>
Andrew S. Goldstein	\$375.00	1988
Jason V. Wolfrey	\$250.00	2008

Paralegals/Accountants

- Andre Johnson (A) \$115.00
- Jessie Coffman (P) \$115.00
- Donna Pickett (P) \$115.00

Compensation requested by Applicant is based on hourly rates equal to or less than rates charged by comparably skilled practitioners in non-bankruptcy cases.

I. Dates of Previous Orders on Interim Compensation or Reimbursement of Expenses Along With the Amounts Requested and the Amount Allowed or Disallowed:

Order Approving First Interim Application for Compensation and Reimbursement of Expenses dated July 17, 2020:

<u>Requested</u>	<u>Approved</u>
\$10,781.25 (Compensation)	\$10,734.37
\$1,734.10 (Expenses)	\$1,734.10

J. Amounts of Previous Post-Petition Payments: **\$12,468.47.**

K. Amounts of Previously-Approved Fees and Expenses Remaining Unpaid:
\$46.88.

L. Whether the Person on Whose Behalf the Applicant is Employed Has Been Given the Opportunity to Review the Application: **On the date of the filing of this Application, a copy of the Application was sent to the Debtor for review.**

M. Whether that Person(s) Has Approved the Requested Amount: **The Debtor has not yet approved the requested amount; however, an Order approving this Application will not be submitted to the Court until the Debtor has reviewed this Application.**

N. When an Application is Filed Less Than 120 Days After the Order for Relief or After Prior Application to the Court, the Date and Terms of the Order Allowing Leave to File at Shortened Intervals: **Pursuant to the interim compensation order, applications may be filed every 60 days.**

MAGEE GOLDSTEIN
LASKY & SAYERS PC
ATTORNEYS

P.O. Box 404
Roanoke, Virginia 24003-0404
540.343.9800

ATTORNEYS AND COUNSELORS AT LAW

O. Time Period of the Services or Expenses Covered by the Application: **June 23, 2020 to January 31, 2021.**

2. Case Status:

A. For this Chapter 11 Case:

(i) Whether a Plan Has Been Filed and, if not yet Filed, Whether the Plan is Expected to be Filed: **Filed.**

(ii) Whether all Quarterly Fees Have Been Paid to the United States Trustee and the Amounts and Dates of Delinquencies, if any: **N/A.**

(iii) Whether all Monthly Operating Reports Have Been Filed and the Reports and Dates of Delinquencies, if any: **Filed or to be filed.**

B. For All Chapter Cases, Estates:

(i) Amount of Cash on Hand or Deposit: **\$2,229.03**

(ii) Amount and Nature of Accrued Unpaid Administrative Expenses: **To be determined.**

(iii) Amount of Unencumbered Funds in the Estate: **To be determined.**

3. Summary Sheet: Summary of compensation and expenses as follows:

(a) **Total compensation and expenses requested: \$22,517.36**

(b) **Total compensation and expenses previously awarded by the Court: \$12,468.47.**

(c) **Name and applicable billing rate for each person who billed time during the period and date of Bar admission for each attorney: See paragraph 1, G, above.**

(d) **Total hours billed and total amount of billing for each person who billed time during billing period:**

TIMEKEEPER:	RATE (%):	RATE (\$):	HOURS:	FEES:
Andrew S. Goldstein	100%	\$375.00	57.50	\$21,562.50
Shareholder	75%	\$281.25	2.40	\$675.01
	50%	\$187.50	0.00	0.00
TOTAL:			59.90	\$22,237.51

(e) **Computation of blended hourly rate for attorneys who billed time during period (excluding paraprofessional time): \$371.24.**

[This space intentionally left blank]

**MAGEE GOLDSTEIN
LASKY & SAYERS, PC**
ATTORNEYS

P.O. Box 404
Roanoke, Virginia 24003-0404
540.343.9800

ATTORNEYS AND COUNSELORS AT LAW

(f) Fee Categories:

<u>CATEGORY:</u>	<u>HOURS:</u>	<u>VALUE:</u>
Asset Disposition		
Business Operations		
Case Administration	42.70	\$16,012.50
Claims Administration, Objections, and Litigation		
Employee Benefits/Pensions		
Fee/Employment Applications and Objections	.90	\$253.13
Financing		
Litigation	3.10	\$1,162.50
Travel	1.50	\$421.88
Plan and Disclosure Statement	11.70	\$4,387.50
Total	59.90	\$22,237.51

Descriptions:

- AST ASSET DISPOSITION: Identification and review of potential assets including causes of action and non-litigation recoveries, sales, leases (§365 matters), abandonment and related sale of assets work.
- OPS BUSINESS OPERATIONS: Issues related to debtor-in-possession operating issues such as employee, vendor, tenant issues and other similar operational problems, including business issues that are not litigation matters.
- CA CASE ADMINISTRATION: Coordination and compliance activities, including preparation of petition, statement of financial affairs; schedules; contracts and leases; United States Trustee interim statements and operating reports; non-litigation contacts with the United States Trustee; general creditor inquiries; 341 meeting(s); chapters 1 and 3 issues; all other professionals fee applications

- CLM CLAIMS ADMINISTRATION, OBJECTIONS, AND LITIGATION: Specific claim inquiries; bar date motions; analyses, objections and allowances of claims litigation; chapter 5 non-litigation issues.
- EMP EMPLOYEE BENEFITS/PENSIONS: WARN Act, severance, retention, KERP, 401(k) coverage, continuance of pension plan, employee benefit plans, and related employee issues.
- FEE FEE/EMPLOYMENT APPLICATIONS AND OBJECTIONS, TRAVEL: Preparation of employment and fee applications for MGLS; motions to establish interim procedures; review of and objections to MGLS's employment and fee applications; defend MFGS fee application objections.
- FIN FINANCING: Matters under §§ 361, 363 and 364 including cash collateral, DIP financing, and secured claims; loan document analysis; post-petition loans.
- LIT LITIGATION: First day motions; contested matters; adversary proceedings; asset recovery; chapter 5 causes of action; relief from stay; turnover actions; Rule 2004 issues, and contested motions. (any pleading, motion, etc. that requires response)
- PL PLAN AND DISCLOSURE STATEMENT: Formulation, negotiation, presentation and confirmation of plan; compliance with plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims which are treated under CLM, above.

4. Reimbursement for Actual, Necessary Expenses: See attached Statement for Services Rendered and Expenses Incurred.

5. Certification:

I certify that the fees and expenses charged herein were actual and necessary; that the fees are reasonable and economical; that the expenses incurred reflect the actual charges and costs to Applicant; and that the expenses incurred do not include charges for ordinary overhead with the following exceptions: (state any exceptions to the certification) None.

WHEREFORE, Applicant requests the Court enter an Order allowing and authorizing payment of the sum of **\$22,237.51** for compensation and **\$279.85** for reimbursement of expenses. Applicant does not intend to file a brief in connection with this Application, but reserves the right to file a responsive brief if necessary.

Date: February 11, 2021

Respectfully submitted,

JOHN ALAN ROSS

By: /s/ Andrew S. Goldstein

Of Counsel

Andrew S. Goldstein (VSB #28421)
Magee Goldstein Lasky & Sayers, P.C.
PO Box 404
Roanoke, VA 24003-0404
Telephone: (540) 343-9800
Facsimile: (540) 343-9898
Electronic Mail: agoldstein@mglspc.com
Counsel for the Debtor

MAGEE GOLDSTEIN
LASKY & SAYERS PC

ATTORNEYS

P.O. Box 404
Roanoke, Virginia 24003-0404
540.343.9800

ATTORNEYS AND COUNSELORS AT LAW